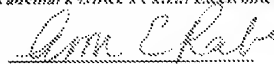


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Date of Signature & Deposit: June 19, 2007


Ann E. Rabe, Reg. No. 56,697

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/955,502
Applicants: Diana M. Downs, et al.
Filed: 09/18/2001
Title: *Method of Preventing Superoxide Damage to Cells and Oxygen-Labile Proteins*
Art Unit: 1645
Examiner: Patricia Ann Duffy
Docket: 960296.97559

TRANSMITTAL LETTER FOR NOTICE OF APPEAL

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

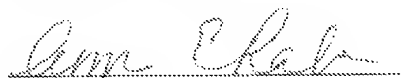
Dear Sir:

A Response to Final Office Action was deposited with the U.S. Patent and Trademark Office (USPTO) on March 19, 2007. However, as the filing of this Response is not currently reflected in the U.S. Patent and Trademark Office (USPTO)'s record, a copy of the Response as well as the receipt of the filing by the USPTO are enclosed herewith.

A petition for three months extension of time accompanies this Notice of Appeal so that the Notice of Appeal will be deemed to have been timely filed. No additional fees are believed due with this notice of appeal. However, if any extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to Deposit Account No. 17-0055. Further, if any other fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,

Date: June 19, 2007


Ann E. Rabe
Reg. No. 56,697
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TEL (414) 277-5613
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QSMKX\6129862.1

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

960296.97559

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on June 19, 2007

Signature Ann E. Rabe

Typed or printed name Ann E. Rabe

In re Application of
Diana M. Downs et al.

Application Number
09/955,502

Filed
09-18-2001

For Method for Preventing Superoxide Damage to...

Art Unit
1645

Examiner
Patricia Ann Duffy

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 17-0055. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.75(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 56,697

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Ann E. Rabe
Signature

Typed or printed name

414/277-5613

Telephone number

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-8199 and select option 2.